

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
05/24/2001

05/18/2001

CLERK OF THE COURT
FORM R115B

HONORABLE BERNARD J. DOUGHERTY
FOR HONORABLE LINDA A. AKERS

K. Zoratti
Deputy

CR 1999-015659

FILED: _____

STATE OF ARIZONA

JOANN P GARCIA

v.

BRYAN K DOENGES (A)

STEPHEN M REMPE
STEVEN P LYNCH

DOB: 09-11-65

APO-SENTENCE IMPRISONMENT-CCC
APPEALS-CCC
DISPOSITION CLERK-CCC
RFR

DISPOSITION HEARING PROBATION REVOKED - IMPRISONMENT

9:42 a.m. State is represented by Margot Wuebbels.
Defendant is present and represented by above-named counsel.

Court Reporter, Chris Johnson, is present.

Judy Doenges makes a statement to the Court on behalf of the
Defendant.

Counsel inform the Court that there is no further evidence
to present.

The Defendant is given an opportunity to speak. Having
found no legal cause for delay, the Court enters the following
judgment and sentence:

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IT IS THE JUDGMENT of the Court that the Defendant violated the terms of probation imposed on 7-28-00 on the following charge(s), that upon consideration of all the facts, law and circumstances relevant here, the Court finds that suspension of sentence and reinstatement of probation are not appropriate and that a sentence of imprisonment with the Department of Corrections is appropriate.

IT IS THEREFORE ORDERED the probationary term previously granted is hereby revoked.

THE COURT FURTHER FINDS that there are circumstances sufficiently substantial to call for the term as indicated. These circumstances are stated by the Court on the record.

ACCORDINGLY, IT IS ORDERED that the Defendant is committed to the Arizona Department of Corrections for a term of imprisonment as follows:

OFFENSE: Count 1: Conspiracy to Manufacture of Dangerous Drugs

FELONY CLASS: 2

IN VIOLATION OF A.R.S. SECTIONS 13-1003, 3407, 701, 702 and 801

DATE OF OFFENSE: On or between September 12, 1999 and October 6, 1999

SENTENCE: Four (4) years

MITIGATED

NONDANGEROUS

NONREPETITIVE

This sentence is to date from 5-18-01.

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The Defendant is to be given credit for 360 days served prior to sentencing.

This sentence is to be concurrent with Count 3 in this cause number and CR 2000-018670 and CR 2000-001372.

OFFENSE: Count 3: Possession of Equipment or Chemicals for the Manufacture of Dangerous Drugs

FELONY CLASS: 3

IN VIOLATION OF A.R.S. SECTIONS 13-3407, 3401, 301, 302, 303, 304, 701, 702 and 801

DATE OF OFFENSE: On or about October 6, 1999

SENTENCE: 2.5 years

MITIGATED

NONDANGEROUS

NONREPETITIVE

This sentence is to date from 5-18-01.

The Defendant is to be given credit for 360 days served prior to sentencing.

This sentence is to be concurrent with Count 1 in this cause number and CR 2000-018670 and CR 2000-001372.

IT IS FURTHER ORDERED that the Defendant shall serve one day for every seven days of the sentence imposed (7 months in Count 1 and 4 months in Count 3) under the supervision of the Community Supervision Program, to be served consecutively to the actual period of imprisonment.

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RESTITUTION: IT IS ORDERED the Defendant shall make and pay restitution to the victim(s) of this crime, for the economic loss of the victim(s), through the Clerk of the Superior Court in the total amount of \$6,114.05. Restitution is owed in the following amounts to the following persons:

D.E.A. \$6,114.05

Pursuant to A.R.S. Section 31-254(D) and (E),

Payment shall be 30% of Defendant's earnings while incarcerated at the Department of Corrections commencing 6-18-01 and to continue until Defendant is released from the custody of the Department of Corrections. Upon release from the Department of Corrections, payment shall commence on the first day of the second month after Defendant is released from the Department of Corrections and said payment shall not be less than \$50.00 per month.

Restitution ledger provided.

FINE: IT IS ORDERED that the Defendant shall pay a fine to the Clerk of the Superior Court of Maricopa County in the amount of \$1,000.00, and all applicable surcharges are waived.

Payment shall commence on the first day of the second month upon release from custody of the Department of Corrections. Said payment shall not be less than \$50.00 per month.

IT IS ORDERED that the Defendant pay an assessment in the amount of \$20.00 to the Clerk of the Superior Court of Maricopa County as follows:

Pursuant to A.R.S. Section 12-116, Defendant shall pay a fee of \$20.00 to the Clerk of the Superior Court of Maricopa County. Should Defendant pay all penalties, fines and/or sanctions in full this date, said fee is not applicable.

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IT IS FURTHER ORDERED that Defendant be given credit for any monies paid to date.

The Defendant is advised concerning rights of review after conviction and written notice of those rights is provided.

IT IS ORDERED granting the motion to dismiss the allegations of violation of the remaining term(s) as set forth in the Petition to Revoke.

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the custody of the Arizona Department of Corrections and authorizing the Department of Corrections to carry out the term of imprisonment set forth herein.

ISSUED: Order of Confinement.

IT IS FURTHER ORDERED that the Clerk of the Superior Court remit to the Department of Corrections a copy of this order together with all presentence reports, probation violation reports, medical and psychological reports which are not sealed relating to the Defendant and involving this cause.

FILED: Notice of Rights of Review After Conviction

Let the record reflect that the probation violation report is filed under CR 2000-019165.

IT IS ORDERED that counsel for the Department of Corrections, Steve Lynch, make a determination as to whether or not the Defendant may be housed in the Marana facility.

cc: DOC - Certified Copy via Certification Desk

cc: MCSO-DIS - Certified Copy via Certification Desk

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Let the record reflect that the Defendant's thumbprint is permanently affixed to this sentencing order in open court.

10:03 a.m. Matter concludes.

/s/ HONORABLE BERNARD J. DOUGHERTY
JUDICIAL OFFICER OF THE SUPERIOR COURT

(thumbprint)